AN ACT

For Stating and Determining the

ACCOMPTS

OF SUCH

Officers and Soldiers

As are or have been Imployed in the Service of this

COMMONWEALTH

IN

IRELAND.

Wednesday, 25th Auguſt, 1652.

Ordered by the Parliament, That this Act be forthwith Printed and Publiſhed.

Hen: Scobell, Cleric. Parliamenti.

London, Printed by *John Field*, Printer to the Parliament of *England*. 1652.

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THe Parliament of England taking into consideration the great Arrears of pay due to the Officers and Soldiers that have faithfully served this Commonwealth in Ireland, for their Service there and in England; and being desirous to have their Accompts Examined and Stated, and Debentures given to them, to the end Just Satisfaction may be made for such their Services out of the Rebels Lands in Ireland, Do Enact and Ordain, and be it Enacted and Ordained by this present Parliament, and by the Authority thereof, That the Accompts of the said Officers and Soldiers for any such Arrears as aforesaid

(not heretofore Stated and Certified by Order or Direction of Parliament) shall be forthwith taken, examined, stated and certified by the persons hereafter named, and in maner and form hereafter expressed; That is to say, Every person claiming such Arrear as aforesaid, either for himself, or as the Executor, Administrator or Assign of such person to whom Arrears are due, and desiring to have his or their Accompts Stated and Certified, shall produce for every such Arrear so claimed respectively, the Commission and Muster-Rolls, or Certificate under the Hand and Seal of the Muster-Master or his Deputy, ascertaining the several Moneths or years wherein such Officer or Soldier was in Service as aforesaid, for which he claimeth such Arrears: And in case it shall appear upon Oath, that such Commission, Muster-Rolls or Certificate is lost, or cannot be produced, Then every such person claiming Arrear as aforesaid, shall produce a Certificate under the Hand and Seal of his Captain, or some other Commissioned Officer superior to himself: And in case the Certificate of such superior Officer cannot be obtained, Then a like Certificate of three or more Commissioned Officers: And also such person shall make Oath, That he hath not used, nor is privy to any fraud, deceit or indirect dealing in or concerning the framing or procuring of such Certificate; And that to the best of his knowledge such Certificate is true; And that he hath not otherwise had his Accompts stated, or any debenture or other satisfaction given for the same Arrear so claimed, other then what he shal then acknowledge,

and

and deliver in to the ſaid Commiſsioners hereafter named: And he ſhall alſo upon the ſame Oath diſcover and expreſs what he or any other for his uſe (to his knowledge) hath at any time received towards ſatisfaction of the Arrears claimed thereupon; And how much either in Money, Goods, Proviſions, Forrage, Free-quarter, or for Horſes or Arms which they have received from the State, and either imbezelled or converted to their own uſe, for which, or for the value whereof to his beſt knowledge or remembrance he ought to be, and yet remaineth accomptable to the State: To the truth of which Accompt he ſhall make Oath in form following,

I *A. B.* Do Swear, That the Accompt by me given at this time is true and juſt, to the beſt of my knowledge or remembrance, and that therein I have not wittingly or willingly concealed any Money, Goods or other things, which to my beſt remembrance I have received or taken for the uſe of the Parliament or Commonwealth, for which I am juſtly accomptable to the State; neither have I to the beſt of my remembrance wilfully imbezelled, or to my private uſe or benefit converted any ſuch Money, Goods, or other thing received by me for the uſe of the Publique, and for which I ſtand accomptable as aforeſaid, other then ſuch, or to ſuch a value as I have charged my ſelf with in my ſaid Accompt. *So help me God.*

And

And ſuch Certificate and Accompt, together with ſuch Oath of the Party producing the ſame & claiming Arrears thereupon as aforeſaid, ſhall be a ſufficient ground for the ſaid Commiſſioners hereafter named to proceed upon, in the ſtating of all and every the ſaid Accompts reſpectively, and in the certifying of the Arrears thereupon, as is hereafter directed. And becauſe it may poſſibly fall out in ſome caſes, That ſuch Certificate as aforeſaid cannot be had or produced by reaſon of the death of ſome, or refuſal of other Officers from whom ſuch Certificate ſhould be had, or by their being diſabled to make ſuch Certificate, either through their defection from the Parliaments Cauſe, or their departure and abſence out of the Land; or elſe by reaſon of the loſs of Muſter-Rolls or Certificates through the many Caſualties of War: In ſuch caſes, the ſaid Commiſſioners hereafter named, or any two or more of them, after ſtrict enquiry into the truth of the matter, and taking the Oath of the party concerned that his caſe is ſuch, and other Examination of him or any other upon Oath, to ſuch other Circumſtances as they ſhall think fit, for their further ſatisfaction that the caſe is ſuch, ſhall or may admit the Oath of the party, with two ſufficient Witneſſes, concerning the time of ſuch parties Service in any Gariſon or Army, and concerning the Arrears due to him for the ſame, as a ſufficient Evidence to ſettle, proceed, and ſtate his Accompts, and certifie his Arrears for the ſame, The party himſelf making Oath alſo to ſuch other Queſtions and things concerning the truth of his

Accompt

Accompt, as is afore in other cases directed: And for the better discovery of the truth in or concerning any such Certificates and Accompts as aforesaid, The said Commissioners hereafter named, or any two or more of them, are hereby authorized to administer an Oath or Oaths to all and every person and persons with whom they shall have to do, in relation to the stating of any the Accompts; in all such cases, and concerning such matters or things thereunto relating, as they shall see cause to require an Oath upon; And all Officers of War, Muster-masters, Secretaries, Auditors, Treasurers, Accomptants, and other persons whatsoever, that now have, or formerly had relation to the Affairs of War, or can certifie any thing which may further this Service, are hereby required upon order or notice directed to them from the Commissioners, or any two or more of them hereafter named to that purpose, to certifie under their Hands and Seals according to their best knowledge, any thing within their Cognizance that may further conduce to the better ascertaining of the said Accompts or any of them. And it is further Enacted by the Authority aforesaid, That after the said Accompts, or any of them, shall be so taken and examined as aforesaid, The respective Commissioners hereafter named, or any three or more of them, shall state the said Accompts severally, making Deductions for what the respective Accomptants shall appear to be chargeable with, towards satisfaction of the several Arrears so claimed, and shall thereupon make computation of what remaineth

in Arrear to ſuch Officer or Soldier, as well for ſuch part thereof as ſtands reſpited upon the Publique Faith as the reſt, for any ſuch Service as aforeſaid: And upon and according to the Accompts ſo ſtated, ſhall under their Hands and Seals give Debentures for the ſaid clear Arrear to every ſuch Officer and Soldier reſpectively, in maner hereafter directed; That is to ſay, for ſervice done in Ireland onely, in form following, To wit,

ALl lawful Deductions made, There remaineth due from the Commonwealth to his Executors, Adminiſtrators or Aſsigns, until the day of the date hereof, the ſum of which ſaid ſum of is to be ſatisfied to the ſaid his Executors, Adminiſtrators or Aſsigns, out of the Rebels Lands, Houſes, Tenements and Hereditaments in Ireland, or other Lands, Houſes, Tenements and Hereditaments there, in the diſpoſe of the Commonwealth of England.

And for ſervice done in England, Scotland or Ireland, in form following;

ALl lawful Deductions made, There remaineth due from the Commonwealth to his Executors, Adminiſtrators or Aſsigns, for Service done under the Commmand of in England, from the day of in the year until the day of in the year the ſum of And there remaineth likewiſe due to the ſaid his Executors, Adminiſtrators or Aſsigns, for

for Service done in Ireland, until the day of the date hereof, the sum of in all the sum of which is to be satisfied to the said his Executors, Administrators or Assigns, out of the Rebels Lands, Houses, Tenements and Hereditaments in Ireland, or other Lands, Houses, Tenements and Hereditaments there, in the disposé of the Commonwealth of England.

And if any Officer or Soldier that hath served the Parliament in England, and hath had his Accompts audited, stated, and according to any Act, Order or Ordinance of Parliament determined; And a Debenture, Bill or Bond chargable to be paid, by the Commonwealth given for the same, Then such Officer or Soldier being willing to have his said Arrear, for which he hath such Bond or Debenture satisfied, together with what shall be due unto him for Service in Ireland, out of the Rebels Lands there, shall give up and deliver such Bond or Debenture to the Commissioners hereafter named, or any two of them: And the said Commissioners or any two or more of them, are hereby authorized and required to take in such Bond or Debenture, and to Endorse thereupon, that another Debenture is by them given out for the same sum: And thereupon, the party to whom the same appertains (declaring upon Oath, that the sum thereby signified to be due unto him, or any part thereof, is not paid or satisfied) shall have a Debenture for the sum contained in such Bond or Debenture, or for so much thereof as upon the aforesaid Oath shall not be acknowledged to be satisfied: And the said Commissioners or any two or more of them,

are hereby authorized and required to give a Debenture in maner following; That is to say,

THere remains due from the Commonwealth to his Executors, Administrators and Assigns, for Service done in *England*, for which he had a Debenture given and signed by which said Debenture hath been delivered up to us the sum of which said sum of is to be satisfied to the said his Executors, Administrators or Assigns, out of the Rebels Lands, Houses, Tenements and Hereditaments in *Ireland*, or other Lands, Houses, Tenements and Hereditaments there, in the Disposé of the Commonwealth of *England*.

Which said several Forms, or any or either of them, the said Commissioners observing the Substance and Effect thereof, shall and may vary in Circumstances as the case shall require: And the said Commissioners shall keep an Entry of all Debentures by them signed and given forth, and shall transmit Duplicates of such Debentures, together with the Certificates, Vouchers, and all Evidences and Papers thereto relating, unto the General Register hereafter appointed, who shall safe keep all the said Duplicates, Certificates and Papers; And upon producing of any Debenture passed and given forth by the said Commissioners or any two or more of them as aforesaid, shall examine every such Debenture with the Duplicate thereof returned, and finding the Debenture to agree with the Duplicate, shall enter the same, or an Abstract thereof in a Book or Registry to be kept for that

that purpose, and shall attest every such Examination and Entry upon the Debenture, and enter a Duplicate of such Attestation in the Margine over against the Entry or Registry thereof; making an Entry likewise of the name of the person bringing and receiving back such Debenture; All and every of which said Debentures being so given forth, registred and attested as aforesaid, shall be good in Law as Obligations of the Commonwealth, and shall be satisfied to the said persons, their Executors, Administrators or Assigns, out of the Rebels Lands, Houses, Tenements and Hereditaments, or other Lands, Houses, Tenements and Hereditaments in Ireland, in the Disposal of the Commonwealth. And it is hereby Enacted and Declared, That Nicholas Domvile, Robert Jeoffries, Robert Harding, Rowland Wilson of the City of Westminster, Gentlemen; John Gay of London Gent. Thomas Dancer of Putney in the County of Surrey, Gent. Rowland Oakley and James Standish, be, and are hereby named and authorized to be the Commissioners for Execution of the Trusts herein mentioned; And they or any two or more of them are hereby Required and Authorized to give forth Debentures as is herein before declared; And the said Commissioners and every of them, before they enter upon this Work, shall before the Commissioners of Parliament or any two of them, take the Oath following; That is to say,

I *A. B.* do Swear, That I will, according to my best skill and knowledge, faithfully discharge the Trust committed unto me by an Act of Parliament Entituled, *An Act for Sta-*

ting and Determining the Accompts of such Officers and Soldiers as are or have been imployed in the Service of this Commonwealth in Ireland) so that neither the Commonwealth nor any person concerned in such Accompts may be prejudiced; And that I will not for Favor or Affection, Rewards or Gift, or hopes of Reward or Gift, break the same.

And the said Commissioners, after they have taken the aforesaid Oath, shall according to the Directions of the Commissioners of Parliament, divide themselves into such Provinces, Counties and places, as the Commissioners of Parliament shall judge most convenient for the expediting and furtherance of this Service; And they shall have and receive for their service in the Execution of this Act, after the yearly Rate or Allowance of Three hundred Pounds for each of them, for so long time as they shall be actually imployed in this service; That is to say, the one half thereof in ready Money by half-year Payments (for the payment whereof the Commissioners of Parliament or any two of them, are hereby authorized and directed to give Warrant) out of the Publique Revenue there; and the other half to be satisfied out of the Rebels Lands, Houses, Tenements and Hereditaments, or other Lands, Houses, Tenements and Hereditaments in Ireland, in the Disposal of the Commonwealth, in such maner as Debentures given to the Officers and Soldiers as aforesaid shall be satisfied: And the said Commissioners of Parliament or any two of them, shall likewise give to the Commissioners here-

in

in named, and every of them respectively, either yearly or half-yearly or otherwise, as they shall think fit, Debentures for that half of their Salary that is to be satisfied out of Lands in Ireland, in the Disposc of the Commonwealth as aforesaid. And it is hereby further Enacted, That Thomas Herbert Esq; shall be Register, and have the Custody of all Duplicates of Debentures, Records, Certificates, Evidences and other Writings, relating to all and every the Debentures that shall be given forth according to this Act, and shall observe the Rules and Directions herein before given for the safe keeping, Registring and taking notice of all Debentures; and shall before the Entry upon this Imployment, take the like Oath, and in like maner as is prescribed to be taken by the Commissioners before named; And for his pains and care therein (for so long time as he shall be imployed) shall have and receive after the Rate of the yearly Salary and Allowance of Five hundred Pounds, That is to say, the one half thereof in ready money by half-year Payments out of the Publique Revenue, and the other half out of the Lands in Ireland, in the Disposc of the Commonwealth, in like maner, and by like Warrant and Order as is directed for the Payment of the Salary appointed for the Commissioners in this Act named. And it is further Enacted, That the Commissioners of Parliament in Ireland, or any three of them, shall have, and have hereby Power and Directions to nominate and appoint such Assistants and Clerks to the Commissioners and Register herein before named, and to allow and pay unto them such Salaries and Allowances as to them shall seem meet.

And

And if any Question or difficulty arise upon the taking or stating of any Accompts by vertue of this Act to be taken and stated, wherein the Commissioners herein before-named desire explanation; The Commissioners of Parliament, or any two of them, are hereby Impowred and Authorized in such cases for the satisfying of all such Doubts, and removal of all Obstructions occasioned thereby, to give Rules and Directions to the said Commissioners herein before named, who shall observe and follow such Rules and Directions accordingly. And be it further Enacted by the Authority aforesaid, That for such Accompts as are to be stated for the Executor, Administrator or Assignee of any person dead or beyond the Seas, whose Oath cannot be had; The Commissioners of Parliament, or any three of them, shall be and are hereby authorized to give such Instructions to the Commissioners in this Act named, as they shall think fit for the stating thereof, who are hereby authorized and required to proceed in stating such Accompts accordingly. And it is hereby further Enacted, That the Accompts of all Officers and Soldiers that shall be taken and determined by vertue of this Act, shall according to the respective Qualities and Imployment of each Officer and Soldier, be audited, stated and allowed, according to such pay and allowances as were made and allowed by this present Parliament or authority thereof, in and by such Establishments as were made and in force, for the time and place in which such Services were performed respectively, if such Establishments can be had and produced: And if such Establishment

nient cannot be had and produced, Then according to the allowance of pay setled by the Establishment for pay of the Forces in Ireland, at the time of the Lord Lieutenants going thither, in the year One thousand six hundred forty nine. And it is hereby further Enacted, That the Commissioners of Parliament or any three of them, are hereby Authorized to nominate and appoint such other able and sufficient persons as they shall finde necessary, to joyn with any of the Commissioners herein named, for the better execution of this Act; which persons so named and authorized by the Commissioners of Parliament, shall have the same power to all intents and purposes, as the Commissioners named in this Act have or ought to have: Provided, That no Salary out of the publique Treasury be allowed to any such persons so nominated by the Commissioners of Parliament. Provided nevertheless, That if in taking and stating any Accompts for Service done in England, or for Service done in Ireland, before the Five and twentieth of March, One thousand six hundred forty nine, the Accomptant shall not acknowledge to have had and received in Provisions and Free-quarter, so much as amounts to the proportions defalked for Free-quarter in the like Cases in England, That then the Commissioners herein before named, shall in the casting up of all such Accompts, leave out the Provisions and Free-quarter acknowledged to be received by such Accomptant; And shall make a state of his Arrear without such provision and Free-quarter, and shall then defalk for Free-quarter out of the Arrears due

to

to the said Officers and Soldiers, according to the proportions following; That is to say, From every Horseman and Non-commission-ed Officers of Horse, twelve pence a day; from every Dragooner and Non-commissioned Officers of Dragoons, nine pence a day; from every Foot-Soldier and Non-commission'd Officers of Foot, four pence a day; from Gunners at two shillings a day nine pence, from Matrosses and Firelocks, as from Foot Soldiers; from Gentlemen of Ordnance and all Officers of Horse in the Train, twelve pence a day; from all Artificers of Foot, nine pence; from all Officers in Commission of Foot and Train, and Gentlemen of the Life-guard, one fourth part of their Pay; and from all Officers in Commission of Horse and Dragoons, for themselves and horses, one third part of the Pay due to them; And for the clear Arrear then remaining due, shall give Debenture in maner before directed. Provided also, That there shall not be any Allowance made to any general Officer of any Army or Brigade, or to any Staff Officers of any Regiment, for any Assistants, Clerks or servants; or to any Officer of Horse or Dragooners for led horses, other or more then what shall appear to be allowed upon Musters, or that shall be upon Oath certified and attested from time to time to have been actually in Service, as is before directed.

Provided always, That no Officer or Soldier who hath deserted the Army without leave, or hath been cashiered by Sentence of a Court of War, and was by such Sentence to lose his Arrears, shall have any benefit by this

this Act, or of any Security thereby given for the payment of Arrears.

Provided also, That no Officer or Soldier whatsoever, who have revolted from the Parliament and turned to the Enemy, or after Disbanding or Discharge from the Parliaments Service went to serve the Enemy against the Parliament, have any benefit by this Act, or any Security at all for any Arrears due unto them before such Revolt or Service of the Enemy as aforesaid.

Provided also, That no Certificate from any Officers that have been cashiered for false Musters, plundring the Country, or any Consenage of the State, or that have revolted from the Parliament, or joyned with the Enemies Forces after he served the Parliament, and was not again Entertained in the Parliaments Service between the First of August, One thousand six hundred forty and nine, and the First of April, One thousand six hundred and fifty, shall be accepted for sufficient Evidence for any Arrear claimed thereupon, unless the Certificate appear to be made before such Cashiering or Revolting.

Provided also, and it is further Enacted, That if any Officer or Soldier shall wittingly make, procure or produce a false Certificate or Oath, either for or concerning his own Service or Arrears, or for or concerning the Arrears of any other in the stating thereof as aforesaid, to the prejudice of the Commonwealth; upon Discovery and due Conviction of such Fraud, every such Offender shall not onely forfeit all Arrears due unto him, if any remain due at the time of the Discovery, but

shall also be lyable to Imprisonment and Sequestration of his Estate to the use of the Commonwealth.

Provided allways, That if any surcharge can be brought upon any particular Accompt within two years after the Debentures are given, that defalkation shall be made for so much accordingly.

Provided also, and it hereby Enacted, That if any Officer or Soldier shall rather choose and desire to Compound for his Arrears by a gross sum, then to pursue the way herein directed for the exact stating of his Accompts, Then and in all such cases the Commissioners herein named, or any three of them, are authorized to Agree and Compound with such Officers and Soldiers for all their Arrears: And upon such Agreement and Composition to be made as aforesaid, and approved by the Commissioners of Parliament or any three of them, to give them Debentures for the sum agreed upon in maner following;

UPon Composition and Agreement made with for all his Arrears, there remaineth due from the Commonwealth to him, his Executors, Administrators or Assigns for Service done in Ireland, until the day of the date hereof, the sum of which is to be satisfied to the said his Executors, Administrators or Assigns, out of the Rebels Lands, Houses, Tenements or Hereditaments in Ireland; or other Lands, Houses, Tenements and Hereditaments there, in the dispose of the Commonwealth of England.

And in case the Composition be made for Arrears

Arrears due for Service both in England and Ireland, the Debenture is to be framed answerably: And the Commissioners herein named, in like maner are authorized to Compound with the Executor, Administrator or Assignee of any Officer or Soldier that is dead or beyond the Seas, to whom Arrears are due, and thereupon to give Debentures accordingly.

Provided, That no Composition to be made, shall for the non-Commissiond Officers and private Soldiers, of Horse, Foot, Dragoons, and Train of Artillery, exceed the proportion of One hundred and sixty days pay for one years service; nor for any Officers in Commission, who have no pay respited on the Publique Faith; nor Gentlemen of the Life-Guard the proportion of One hundred and forty days pay for the like time of service; nor for any Officer in Commission who hath pay respited on the Publique Faith, above the proportion of One hundred and twenty days of their present pay for the like time of service, and all their respited pay that is due unto them: All these Computations of pay to be made according to the Allowances expressed in the Establishment of pay for the Forces that went over with the Lord Lieutenant in the year One thousand six hundred forty and nine, without any addition or alteration whatsoever.

Wednesday the 25th of *August*, 1652.

ORdered by the Parliament, That this Act be forthwith Printed and Published.

Hen: Scobell, Cleric. Parliamenti.

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